

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL, APRIL  
MUNIZ, HANNAH PEARCE, MARCUS  
MARTIN, NATALIE ROMERO, CHELSEA  
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES  
ALEX FIELDS, JR., VANGUARD  
AMERICA, ANDREW ANGLIN,  
MOONBASE HOLDINGS, LLC, ROBERT  
“AZZMADOR” RAY, NATHAN DAMIGO,  
ELLIOT KLINE a/k/a/ ELI MOSLEY,  
IDENTITY EVROPA, MATTHEW  
HEIMBACH, MATTHEW PARROTT a/k/a  
DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS,  
LEAGUE OF THE SOUTH, JEFF SCHOEP,  
NATIONAL SOCIALIST MOVEMENT,  
NATIONALIST FRONT, AUGUSTUS SOL  
INVICTUS, FRATERNAL ORDER OF THE  
ALT-KNIGHTS, MICHAEL “ENOCK”  
PEINOVICH, LOYAL WHITE KNIGHTS OF  
THE KU KLUX KLAN, and EAST COAST  
KNIGHTS OF THE KU KLUX KLAN a/k/a  
EAST COAST KNIGHTS OF THE TRUE  
INVISIBLE EMPIRE,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**PLAINTIFFS’ OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL FOR  
DEFENDANT VANGUARD AMERICA**

Plaintiffs respectfully submit this memorandum in opposition to Elmer Woodard's and James Kolenich's ("Defense Counsel") Motion to Withdraw as Counsel for Defendant Vanguard America ("VA") (ECF 459, 460, the "Motion").

Defense Counsel have moved to withdraw from representing VA on grounds that "Vanguard does not appear to have complied with existing Court orders regarding electronically stored information nor has it provided undersigned Attorneys with information that that would show cause why they should be excused from same or even provided additional time to comply." ECF 460 at ¶ 4. Defense Counsel further state that "it is not possible for undersigned Attorneys to provide any useful professional services to Vanguard, nor are we willing to do so." *Id.* at ¶ 5.

As this Court has recognized, however, an organization that is a party to a lawsuit "cannot appear *pro se* as an artificial entity in any federal court litigation." *Tweedy v. RCAM Title Loans, LLC*, 611 F. Supp. 2d 603, 605 n.2 (W.D. Va. 2009). Rather, an organization can "appear in the federal courts only through licensed counsel." *Rowland v. Calif. Men's Colony*, 506 U.S. 194, 202–03 (1993). *See* Order dated Feb. 22, 2019 (ECF 427). This Court has previously stricken filings submitted by organizations that were not represented by counsel. *See* ECF 166, 275. Granting Defense Counsel's motion would leave VA, an artificial entity, unrepresented by counsel, with no reassurance that VA has secured new counsel or even any indication that it intends to do so in a timely manner.

As a result, permitting Defense Counsel to withdraw at this time would only cause additional delay and further impair Plaintiffs' ability to prosecute their case. For this reason, Plaintiffs respectfully request that the Court deny the Motion.

Dated: April 17, 2019

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Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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Evropa), and Christopher Cantwell*

I further hereby certify that on April 17, 2019, I also served the following non-ECF participants, via U.S. mail, First Class and postage prepaid, addressed as follows:

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a/k/a : Loyal White Knights Church of  
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I further hereby certify that on April 17, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

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